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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7777
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBJ/AMEMBASSY BEIJING 4678
RUEHBY/AMEMBASSY CANBERRA 1933
RUEHNE/AMEMBASSY NEW DELHI 1549
RUEHPB/AMEMBASSY PORT MORESBY 3643
RUEHKO/AMEMBASSY TOKYO 1460
RUEHWL/AMEMBASSY WELLINGTON 2277
RUEHBAD/AMCONSUL PERTH 0548
RUEAIIA/CIA WASHDC
RHEHNSC/NSC WASHDC
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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 000178

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DEPT FOR EAP, EAP/MTS, EAP/MLS (COPE), EAP/RSP
NSC FOR E.PHU

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TAGS: [PGOV](#) [PREL](#) [ASEAN](#) [ID](#) [BM](#)
SUBJECT: ASEAN CHARTER/BURMA -- ROUGH ROAD AHEAD IN
INDONESIA

REF: A. JAKARTA 120
[1](#)B. 07 JAKARTA 3367
[1](#)C. 07 STATE 164897

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Classified By: Pol/C Joseph Legend Novak, reasons 1.4 (b+d).

[1](#)1. (C) SUMMARY: The Indonesian government is committed to pushing the ASEAN Charter through the national legislature (DPR) in 2008, although it has not yet submitted the Charter for ratification. The DPR, however, is committed to scrutinizing the Charter and moving slowly. Civil society is pressing to have its views considered, particularly regarding Burma. Our assessment is that the GOI--with some effort--can probably get the Charter through the DPR this year. We continue to urge Indonesians to use the process to press the Burmese regime to undertake needed reforms. END SUMMARY.

GOI FLOGS THE CHARTER

[1](#)2. (C) A debate over the ASEAN Charter is brewing in Indonesia. (Note: Along with other ASEAN leaders, President Yudhoyono signed the Charter during the ASEAN Summit in November in Singapore.) Ade Padmo Sarwono, Deputy Director for ASEAN Political Cooperation at the Department of Foreign Affairs (DEPLU), told poloff that the Indonesian government plans to submit the Charter to the DPR in April and would press for ratification as soon as possible after that. The government has publicly stated its intention to ratify the Charter before the next ASEAN Summit tentatively scheduled for November 2008.

[1](#)3. (C) Sarwono conceded, however, that if the DPR did not ratify the Charter by August 2008, Indonesia was unlikely to meet its self-imposed November 2008 deadline. The DPR would enter full campaign mode for the 2009 general elections and would probably not be in the mood for action on foreign affairs issues. Sarwono predicted that the DPR would eventually ratify the document, but commented that that process could be "very, very difficult."

DPR SAYS NOT SO FAST

14. (SBU) The Indonesian legislature seems to have some real concerns about the Charter. Key members of the DPR have said the legislature would carefully weigh the benefits of the Charter before proceeding with ratification. Andreas Pereira, a member of the DPR's Commission I responsible for foreign affairs, recently told reporters that the legislature would hold extensive hearings to gauge public support for the Charter. Somewhat vaguely, he pledged that the DPR would not ratify unless it was "satisfied" that the public supported the Charter. DPR members have also attacked the Yudhoyono administration's handling of the process vis-a-vis the DPR. Golkar legislator Adrianto Tohari slammed, for example, what he said was DEPLU's failure to consult with DPR members until well after ASEAN leaders signed the Charter.

15. (C) Burma is also a key concern. Commission I member, Djoko Susilo--in public remarks--said that the DPR "had some reservations" about the Charter text. He charged that the document lacked a clear direction for ASEAN's future and that it failed to include provisions important to the Indonesian public, such as protections for migrant workers. Most importantly, as he has highlighted in meetings with Pol/C, Susilo--a key member of the DPR's Myanmar Caucus--underscored that Burma was a key issue. He has told us that "many members" of the DPR are unhappy with the fact that Burma was allowed to sign the Charter, although that regime "in no way respects human rights."

CIVIL SOCIETY WANTS TO BE HEARD

16. (C) Indonesian civil society is large and active. Various non-governmental organizations have expressed deep concerns about the ASEAN Charter, especially regarding the Burma element. These groups at times have taken to the streets to protest the Burmese regime and what they see as a lack of action by ASEAN regarding Burma. These groups have

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already promised to protest loudly whenever the DPR begins to debate the Charter. (Note: Mission is working with many of these groups to organize a civil society conference on Burma tentatively scheduled for March. Ref A.)

17. (C) Public policy institutes are also involved. Clara Joewono, Vice Chair of Jakarta's Center for Strategic and International Studies (CSIS), told poloff that the Yudhoyono administration should not regard ratification of the Charter as a "done deal." She explained that CSIS had held a number of seminars on the Charter for members of the DPR. CSIS did not have an institutional position re the Charter's ratification. Despite this, Joewono and Rizal Sukma, another prominent foreign policy expert at the center, had pressed DPR members to delay ratification. Why? Joewono further explained that ASEAN leaders had watered down key recommendations of the Eminent Persons Group (EPG) regarding democracy and human rights in the final text of the Charter. As a result, the Charter lacked monitoring and enforcement mechanisms in these critical areas. This fact, coupled with the lack of progress on reform in Burma, has led some Indonesian ASEAN watchers to urge that ratification be delayed.

18. (C) One CSIS specialist threw in another concern. Lina Alexandra, a CSIS scholar who participated in the seminars with the DPR and works on ASEAN-related issues, told poloff that some Commission I members were concerned about the impact of the Charter's call for harmonization of some domestic laws. She thought that DPR members would argue that harmonizing domestic laws would diminish legal protections for key domestic constituencies, such as labor and farmers. These issues, she said, could become fodder for DPR attacks on the Yudhoyono government in advance of the 2009 general election.

THE UPCOMING DEBATE

¶9. (U) We have heard that the DPR plans to begin public hearings on the Charter on February 4, although--as noted above--the government will not formally submit the document until April. A range of NGO's--including those involved in human rights and Burma issues--plan to participate in the public hearings.

THE ROAD AHEAD

¶10. (C) Mission contacts agree that the DPR will probably ultimately ratify the Charter. That said, the Yudhoyono administration will almost certainly have to weather DPR criticisms--and may have to spend some political capital--to get it done. At least one member of Commission I suggested to us that the Charter would pass through the DPR relatively smoothly. Jeffrey Massie told poloff he believed Commission I would endorse the Charter with little or no objection. Other contacts believe the road ahead will be considerably rougher.

¶11. (C) Burma is looming large in the debate. Mission continues to urge Indonesian interlocutors to use the Charter ratification process to deliver a strong message on the need for genuine democratic reforms and a transition in Burma (Ref C). We continue to highlight the positive role Indonesia has played in working to include democracy and human rights as elements in the Charter. Given that and its democratic standing, Indonesia has a special obligation to resist giving a free pass to the ASEAN member that most flagrantly violates those principles, i.e., Burma.

HUME